BOROUGH OF AVALON

 CAPE MAY COUNTY

 NEW JERSEY

 ORDINANCE NO. 710-2014

AN ORDINANCE AMENDING CHAPTER 19 (FLOOD DAMAGE PREVENTION) OF THE CODE OF THE BOROUGH OF AVALON

**WHEREAS,** the Planning/Zoning Board of the Borough of Avalon has recommended certain amendments toChapter 19 (Flood Damage Prevention) of the Code of Revised General Ordinances, 2000 pursuant to Special Resolution PZ #14-E, adopted August 12, 2014 to the Borough Council the adoption of changes to the Flood Damage Prevention Ordinance of the Borough of Avalon;

**WHEREAS**, the adoption of amendments to Chapter 19 (Flood Damage Prevention) are in the best interest of the community and substantially consistent with the Borough of Avalon’s Master Plan and will minimize damage from flooding in the future and improve the Borough’s National Flood Insurance Program’s Community Rating System discount; and

**WHEREAS,** the Borough Council discussed the recommended changes at a Work Session held on August 13, 2014; and

**BE IT ORDAINED** by the Borough Council of the Borough of Avalon in the County of Cape May and State New Jersey as follows:

**SECTION 1.** Chapter 19 (Flood Damage Prevention) Section 19-8.2 (a) Elevation shall be amended and shall read as follows:

**19-8.2 Construction Methods.**

 a. Elevation*.* All new construction and substantial improvements shall be elevated on piling or columns so that:

 1. The bottom of the lowest horizontal structural member of the lowest floor (excluding the piling or columns) is elevated to or above the base flood elevation, plus freeboard, three (3) feet or as required by the Uniform Construction Code (N.J.A.C. 5:23), whichever is more restrictive, and,

 2. With all space below the lowest floor's supporting member open so as not to impede the flow of water, except for breakaway walls as provided for in subsection 19-8.2d.

 3. All fill is prohibited within the regulatory floodplain.

 4. No Conditional Letter of Map Revision with fill (CLOMR-F) or Letter of Map

 Revision with fill (LOMR-F) shall be accepted or approved based on fill, including fill as a

 part of the reason for requesting a map change.

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**SECTION 2. REPEALER**. All Ordinances or parts of Ordinances which are in conflict or inconsistent herewith are hereby repealed to the extent of such inconsistency or conflict only.

 **SECTION 3. SEVERABILITY.**  If any section, paragraph, subdivision, subsection, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, subsection, clause or provision declared invalid and the remainder of this Ordinance shall remain in full force and effect and shall be enforceable.

 **SECTION 4. EFFECTIVE DATE:** The amendments to Chapter 19 (Flood Damage Prevention) shall become effective upon final passage, publication as required by law.

**NOTICE OF PENDING ORDINANCE**

 The Ordinance published herewith was introduced and passed on first reading of the Municipal Council of the Borough of Avalon on August 27, 2014. It will be further considered for second reading, public hearing and final adoption at a meeting of said Council to be held on the 10th day of September, 2014 in the Meeting Room of the Municipal Building, Avalon, New Jersey at 7:15 p.m. and during the week prior to and up to and including the date of such meeting, copies of said Ordinance will be made available at the Clerk’s Office in said Municipal Building to the members of the general public who shall request the same.

MARIE J. HOOD

Assistant to Borough Clerk